

**REMARKS**

With respect to the Examiner's requirement to elect a single disclosed species for prosecution on the merits, applicants respectfully traverse the examiner's requirement.

The independent claims of the invention are directed to a bistable valve. One skilled in the art will recognize there are a variety of bistable valves, examples of which are the level valve and plunger valve disclosed in specification. Examination of the application should proceed with respect to a bistable valve, without distinction between the plunger or level type. However, should the examiner maintain his position, applicants elect to proceed on the level valve, as set forth in claims 1 through 4 and 6 through 10. Claim 5 is withdrawn from consideration in such instance.

With respect to the examiner's requirement that the drawings show the plunger valve, the plunger valve is shown and described in the priority application, U.S. Provisional application 60/412,509. Pursuant to 37 C.F.R. 1.57 (a) and (c), the provisional application is incorporated by reference. Therefore, the plunger valve of claim 5 is shown. Additionally, if the examiner maintains his species restriction, the objection regarding drawings showing claim 5 is moot.

With respect to the examiner's rejection of the specification at page 3, line 34, reference to Figures 4 through 60 has been deleted.

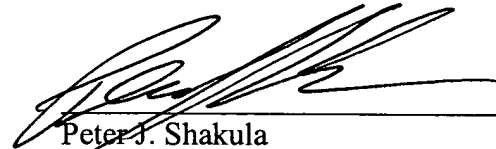
Applicants believe they have addressed all of the examiner's outstanding issues, and request further examination on the merits.

U.S. Ser. No.: 10/667,255

*Attorney Docket No. 940047-94540*

Please charge any fees that might be due in connection with this response to our  
Deposit Account No. 12-0913, with respect to our attorney docket number 920047-  
94540.

Respectfully submitted,

  
\_\_\_\_\_  
Peter J. Shakula  
Reg. No. 40,808

BARNES & THORNBURG LLP  
P.O. Box 2786  
Chicago, Illinois 60606  
(312) 357-1313  
Date: January 15, 2005